

Establishing Paternity

THE FIRST THREE DAYS OF YOUR CHILD'S LIFE CAN BE AMAZING. YOU WILL BE ESTABLISHING A BOND WITH YOUR BABY THAT WILL LAST A LIFETIME.

These are truly some of the most important moments in your child's life. During this time your child can also be developing a relationship with his or her father. In Indiana, the law allows you to establish paternity **within the first 72 hours (three days) after the birth of your child**, by both parents simply completing and signing a paternity affidavit provided by the State Department of Health. If you and the father of your child are not married, you should both seriously consider establishing paternity for your child immediately. This is the easiest way available to establish this important legal relationship between your child and his or her father. These three days can make a difference for your child's entire life.

What is Paternity?

PATERNITY IS THE RELATIONSHIP BETWEEN A FATHER AND HIS CHILD. ESTABLISHING PATERNITY IS THE PROCESS OF MAKING THIS A LEGAL RELATIONSHIP.

Why Is Establishing Paternity Important?

There are many reasons to establish paternity. It can provide benefits to the parents as well as the child, and it is a good way to get the relationship with your child off to a good start. Some of the benefits of establishing paternity are:

IDENTITY: It is important to know who we are. Your child will benefit from the sense of belonging that comes from knowing both parents.

BIRTH CERTIFICATE: By law, if you sign the paternity affidavit, the father's name will be listed on the child's birth certificate

FINANCIAL: The law requires that both parents support their child. Establishing paternity is the first step in making plans, which can be monitored by

the courts, to provide the financial support that your child will need in a way that is fair to both parents. Even if the father is unable or unwilling to pay support, establishing paternity makes it possible to collect support from him at a later date through tax intercept, lottery intercept, and wage withholding.

BENEFITS: Your child has the right to other possible benefits from both parents. Many of these will be denied to your child if legal paternity is not established. Some of these benefits may include:

- Social Security from a deceased or disabled parent
- Inheritance Rights
- Veteran's Benefits
- Life Insurance
- Health Insurance

MEDICAL: A child needs to know if he or she has inherited or may have inherited any special health problems from either side of the family. Also, it might be possible to obtain medical insurance through a parent's employer, union, or military service.

RELATIONSHIPS: Both parents have a right to establish a healthy relationship with, and the responsibility to care for, their son or daughter. Making the relationship legal right from the beginning provides a greater opportunity for this to take place.

How Is Legal Paternity Established?

If you are married when the child is born, your husband is presumed by law to be the father.

If you have been divorced or widowed for less than 10 months, your husband at the time of conception is considered by law to be the father.

If you are married at the time of birth or were married at the time of conception, but, in a dissolution of marriage action, your husband contends he is not the natural father of the child, the court may require a genetic test be conducted to determine if he is or is not the natural father of the child.

If you are not married at the time of the birth of the child, and were not married at the time

of conception, paternity can be established in three ways.

HOSPITAL AND ADMINISTRATIVE PATERNITY AFFIDAVITS:

You may complete a paternity affidavit provided by the State Department of Health **within 72 hours (three days) of the birth of your child**. This must be signed by both the mother and the father. The paternity affidavit form, along with a verbal explanation of the legal effects of the document, will be provided to the mother and father by hospital staff at the same time the birth certificate is completed.

Effective July 1, 1997, paternity can be established by completing the required paternity affidavit form at a local health department. If executed through a local health department, the process must be completed before the child is emancipated by operation of law (age 21) or by court order. A properly executed paternity affidavit establishes legal paternity and parental rights and responsibilities. The affidavit may be set aside by filing a court action **within 60 days of the signing of the affidavit without good cause**. The affidavit may not be set aside **after the 60 day** period except for good cause reasons provided by law and found to exist by a court.

COURT DETERMINATION: Paternity may be established by filing a paternity action in court. The parties may agree to the paternity or request a genetic test provided there is not a paternity affidavit signed more than 60 days ago.

Why Do I Need To Think About This Now?

1. If you establish paternity by signing the paternity affidavit **within the first 72 hours (three days) after the child is born**, you will not need to go through a court hearing, or genetic test to establish legal paternity.
2. If you complete the paternity affidavit at the same time, or before completing the birth certificate, you can make sure the information on your child's birth certificate is accurate the first time. This will save you the trouble and expense of having the birth certificate changed later.

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3. As with the birth certificate, completing the paternity affidavit at the same time or before applying for the Social Security number will ensure that the child's information is correct the first time.
4. A child support order can be established and awarded by the court more quickly than if paternity must be established at a later date in a court of law.

What If I Am Not Sure?

There are times when establishing paternity in the hospital may not be the right thing to do. Even if you have someone with you willing to take on the responsibility of being a father to your child, it is more important to establish who the biological father is for medical reasons. If you are unsure about the paternity of your child, you may want to contact your local Prosecutor's Office and ask for assistance in establishing paternity. They will be able to guide you through the legal process, and will be able to help you arrange the necessary tests that will determine the paternity of your child. They can also establish and enforce a support order. You do not need to be on Public Assistance to receive help from the Prosecutor's Office in establishing paternity, or a support order. However, there will be a small fee for these services.

At times it can be awkward to discuss the paternity of your child. All conversations and correspondence related to the paternity of your child, and the process to establish paternity will be treated as strictly confidential.

Is This Required By Law?

There is no law that requires you to sign the paternity affidavit. However, if you are receiving or plan to receive public assistance, you may be required to cooperate in establishing paternity, and obtaining a support order. Also, the presumed father has the right to request a hearing if he is not sure that he is the father of your child. In other words, you are not required to sign this affidavit. However, whether you receive public assistance or not, you may be required by law to participate in establishing paternity at some point.



IMPORTANT NUMBERS IN INDIANA:

Child Support **HOTLINE**
800-840-8757

Child Abuse and Neglect **HOTLINE**
800-800-5556



Establishing Paternity

for the Mother



State of Indiana

Mitchell E. Daniels, Jr., Governor

Department of Child Services

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